

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

AMANDA BARGE and ARTHUR BARGE,	:	CIVIL ACTION NO. 1:00-CV-1881
	:	
Plaintiffs	:	(Judge Conner)
	:	
v.	:	
	:	
DAVID J. SALINGER, M.D., WILLIAM YING, Ph.D., KEYSTONE ONCOLOGY, LLC, and COMPREHENSIVE PHYSICS AND REGULATORY SERVICES, LTD.,	:	
	:	
Defendants	:	

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Trial in this matter was scheduled to begin on March 10, 2003. Prior to commencement of trial, the parties requested a conference with the court to discuss a dispute over the anticipated scope of expert witness testimony.

Defendants' counsel asserted that on March 7, 2003 they became aware of a supplement to the opinion of plaintiffs' reconstructive surgery expert and current treating physician, Dr. Manson. Apparently, Dr. Manson will testify that plaintiff Amanda Barge will require significant future medical care at a cost ranging from \$150,000 to \$200,000. Defense counsel claims that this testimony is a surprise and that they are prejudiced by its late disclosure because they have no experts prepared to offer an opinion on future medical care or the cost of such care.

Plaintiffs' counsel denies that Dr. Manson's testimony on future medical care is a surprise; to the contrary; plaintiffs' counsel contends that such testimony is within the fair scope of Dr. Manson's written expert report.

The court finds that future medical care is within the ambit of Dr. Manson's original report. However, the report is less than clear on this subject and the cost of future medical care appears to be a last minute disclosure. The defendants are entitled to a more complete report from Dr. Manson, as well as additional time to prepare expert rebuttal. Therefore, the court will grant defendants' oral motion for a continuance.

AND NOW, this 11th day of March, 2003, upon consideration of defendants' oral motion for a continuance of trial, it is hereby ORDERED as follows:

- (1) Defendants' motion for continuance is GRANTED; and
- (2) Plaintiffs will provide the defendants with an expert report from Dr. Manson on future medical care, in full compliance with Rule 26, on or before March 21, 2003; and
- (3) The parties shall cooperate and use their best efforts to schedule the IME of plaintiff Amanda Barge on the subject of future medical care; and
- (4) Counsel are now attached for trial commencing on **Monday, April 21, 2003 at 9:00 a.m., in Courtroom No. 2, Ninth Floor, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania.**

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge